IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.17497 of 1997

Dated: 02-03-2007

Between:

1. Nidamanuri Narayana Swamy Chowdary,
   s/o Laxmaiah Nayudu, aged about 60 years,
   r/o Pakala village and Mandal,
   Chittoor District and 4 others.

... Petitioners

and

1. Government of Andhra Pradesh, rep. by its Secretary,
   Revenue Department, Secretariat,
   Hyderabad and 4 others.

... Respondents

ORDER:

This writ petition is filed seeking *mandamus* declaring the action of the respondents 1 to 4 in assigning water course poramboke i.e. vagu poramboke in S.No.1149/B or its sub-divisions, Pakala village and Mandal, Chittoor District to the third parties or altering the use of the said land adversely affecting the Ayacutdars, as arbitrary and illegal and consequently direct the respondents 1 to 4 to cancel the assignment made in favour of the fifth respondent vide proceedings

in Roc.B4/22701/96, dated 23-11-1996.

2. It is the case of the petitioners that there are more than Ac.100-00 of land in the ayacut of Samireddy Voddu and Pakala Peda Cheruvu and they are some of the ayacutdars. The land in an extent of Ac.1-92 cents in S.No.1149/B of Pakala village is classified as vagu poramboke in the revenue records and the said land is a Dasabandham land belonging to the first petitioner and their family members and they have been preserving it, so as to enable the ayacut lands to receive sufficient water. When the fifth respondent tried to extend his Saw Mill to an extent of
Ac.0-15 cents in the Vagu Poramboke in S.No.1149/B of Pakala village, they protested and later they obtained a copy of the proceedings in Roc.B4/22701/96, dated 23-11-1996. As per the said proceedings,
the second respondent – Joint Collector, Chittoor, wanted to assign an extent of Ac.0-15 cents of land in S.No.1149/B, Pakala village to the fifth respondent subject to payment of a sum of Rs.7,800/- towards alleged market value of the land and tamarind tree existing thereon. According to the petitioners, fifth respondent is a well to do person and the market value of the land even as per the basic value register maintained by the Registrar is Rs.7,50,000/- per acre. The grievance of the petitioners is that if any part of the vagu poramboke land is alienated to third parties,
the ayacutdars would be adversely affected.

3. Heard learned counsel for the parties.

4. Admittedly, the land in question, which was assigned in favour of the fifth respondent, is a vagu poramboke. Though learned counsel

on either side have raised various questions, an appeal is provided for against the impugned order, dated 23-11-1996 passed by the second respondent – Joint Collector, Chittoor, before the Commissioner, Land Revenue.

5. In that view of the matter, I deem it appropriate to direct the petitioner to file an appeal before the appellate authority against the orders impugned, within a period of four weeks from the date of receipt of a copy of this order. On such appeal/revision being filed, the said authority after hearing the petitioners and the fifth respondent may pass appropriate orders. It is made clear that all the contentions raised before this Court are left open to be decided by the appellate authority.

6. Accordingly, the writ petition is disposed of. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.02-03-2007
GLV